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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/039,072    03/13/98    SASAKI

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EXAMINER

GRIER, L

ART UNIT	PAPER NUMBER
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2644

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DATE MAILED:

11/07/01

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

*Amos*

# Office Action Summary

Application No.

09/039,072

Applicant(s)

SASAKI, ATSUSHI

Examiner

Laura A Grier

Art Unit

2644

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☒ Claim(s) 5 and 7 is/are objected to.
- 8) ☐ Claims \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. & 119(e).

## Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 18) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_.
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other:

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## DETAILED ACTION

### *Claim Objections*

1. Claims 5 and 7 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim.

Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. As amended, claim 5 is the exactly the same as claim 4. And claim 7, as amended is exactly the same as claim 6.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

3. **Claim 1** is rejected under 35 U.S.C. 102(e) as being anticipated by Yashima et al., U. S. Patent No. 5953431.

Regarding claim 1, Yashima et al. (hereinafter, "Yashima") discloses an acoustic replay device. Yashima' disclosure comprises a microphone (61), which reads on the claimed microphone; an amplifier (59), which reads on the claimed amplifier; a loudspeaker (60), which reads on the claimed loudspeaker; and a calculator (54)

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indicative of the claimed processor for comparing real time output from a microphone with the output of a sound source (50) with reference to frequency characteristics, and wherein echo and/or reverberation characteristics are inherent. (Figures 11 and 13, and col. 12, lines 28-67 and col. 13, lines 41-54).

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. **Claim 1** is rejected under 35 U.S.C. 102(b) as being anticipated by Rao (U. S. Patent No. 6141415).

Regarding **claim 1**, Rao discloses method and apparatus for detecting speech at a near-end of a communications system, a speaker-phone system, or the like. Rao's disclosure teaches in figure 2 (column 5, lines 57-67 and column 6, lines 1-3) a system indicative of a microphone (80) for detecting sound from a loudspeaker (75), a processing means (51) for comparison analysis indicative of comparing output from a microphone from a sound source (indicated by a reference 42) in relation to frequency characteristics and echo properties, thus providing a corrected signal for output, an power amplifier (73).

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. **Claim 2** is rejected under 35 U.S.C. 103(a) as being unpatentable over Yashima in view of Kuusama et al.

Regarding **claim 2**, Yashima discloses everything claimed as applied above (see claim 1). Further, Yashima disclose a D/A converter (58), an A/D converter (63) that indicative of a second A/D converter, means indicative of a regenerative signal processing, and a successive comparison analysis part (figure 11). However, Yashima fails to specifically disclose a first A/D converter, and memory means. The examiner maintains that such components were well known in the art.

Regarding the first A/D converter and a memory means, in a similar field of endeavor, Kuusama et al. disclosures teaches the use of analog input into a DSP, for a device to be used for changing the acoustic properties of a room, which comprises a first A/D converter, and a memory, means (figure 8).

I would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the invention of Yashima by providing a first a/d converter to the circuitry for purpose of converting the output signal of a device that outputs an analog signal, to a digital signal; and a memory means for storing the audio data, to be further used in correction of the signal characteristics.

Regarding **claim 3**, Yashima discloses everything claimed as filed above (see claim 1. The limitations of claim 3, are rejected for reason set forth in col. 13, lines 51-54).

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Regarding **claims 4, 6, and 8**, Yashima discloses everything claimed as applied above (see claim 1). The claimed limitations are disclosed in figures 11 and 13, and col. 12, lines 28-67 and col. 13, lines 41-54, as according to the rejection of claim 1.

Regarding **claims 5, 7, and 9**, Yashima and Kuusama discloses everything claimed as applied above (see claim 1). The claimed limitations are disclosed in figures 11 and 13, and col. 12, lines 28-67 and col. 13, lines 41-54, as according to the rejection of claim 2.

### ***Response to Arguments***

7. Applicant's arguments with respect to claims 1-9 (more specifically, claims 1 and 2) have been considered but are moot in view of the new ground(s) of rejection.

Applicant argued that the prior art previously used providing teachings of the processing means as specifically claimed. However, the examiner has provided new references, which support the claimed invention.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laura A Grier whose telephone number is (703) 306-4819. The examiner can normally be reached on Monday - Friday, 7:30 am - 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Forester W. Isen can be reached on (703) 305-4386.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

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**Or faxed to:**

**(703) 872-9314 (for Technology Center 2600 only)**

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

LAG   
November 5, 2001

  
FORESTER W. ISEN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2700